

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Wallace E. FLEMING**
Serial No.: **10/599,316**
Filing Date: **09/25/2006**
Title: **VACUUM INSULATED BUILDING PANEL**
Group Art Unit: **3633**
Examiner: **Darner, Christopher J.**
Agent Docket No.: **216.001**

RESPONSE TO RESTRICTION ACTION DATED AUGUST 14, 2008

September 10, 2008

FILED VIA EFS-Web

TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

A. ELECTION OF CLAIMS FOR EXAMINATION

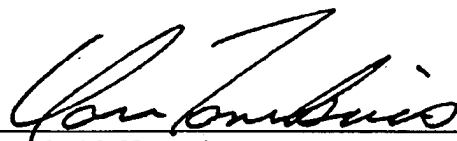
This submission is in response to the Restriction Action mailed on August 14, 2008, in which the Examiner indicated that the pending claims are directed to more than one species of the generic invention, as follows:

- Species I: Figure 1, drawn to a steel vacuum panel (Claims 1-3, 6, and 7); and
- Species II: Figure 14, drawn to a window vacuum panel (Claims 4-5).

Applicant hereby elects examination of Claims 1-3, 6, and 7 (Species I), drawn to a steel vacuum panel per Figure 1. Claims 4-5 are hereby withdrawn, without prejudice to Applicant's right to reintroduce said withdrawn claims at a later stage, or in a continuing application.

The foregoing election is made without traverse.

Respectfully submitted on behalf of the
Applicant, by his agent:



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